

REMARKS

Claims 1-5 and 7-11 are pending in the above-identified application. Claim 7 has been amended so as to clarify the purpose of the claimed seed treatment. Claim 6 has been cancelled.

Removal of Claim Rejection and Objection

Claim 7 has been rejected under 35 USC 112, second paragraph as failing to sufficiently specify the type of treatment that is being claimed. Claim 7 has now been amended so as to specify that the treatment is performed to control phytopathogenic harmful fungi.

Claim 10 has been objected to as being a substantial duplicate of claim 6. Claim 6 has been cancelled so as to remove the basis for this objection.

It is submitted for the reasons above that the present claims define patentable subject matter such that this application should now be placed in condition for allowance.

If any questions arise in the above matters, please contact Applicant's representative, Andrew D. Meikle (Reg. No. 32,868), in the Washington Metropolitan Area at the phone number listed below.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Dated: November 7, 2008

Respectfully submitted,

By _____
Andrew D. Meikle
Registration No.: 32,868
BIRCH, STEWART, KOLASCH & BIRCH, LLP
8110 Gatehouse Road
Suite 100 East
P.O. Box 747
Falls Church, Virginia 22040-0747
(703) 205-8000
Attorney for Applicant